

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

49.71 ACRES OF LAND, MORE OR
LESS, SITUATE IN WEBB COUNTY,
STATE OF TEXAS; AND EMERALD
RIVERVIEW DEVELOPMENT, LTD.

Defendants.

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CASE NO. 5:21-CV-007

**JOINT STIPULATION OF DISMISSAL AND AGREEMENT TO DISBURSE
FUNDS UNDER FED. R. CIV. P. 71.1(i)(1)(B)**

Plaintiff United States of America and Defendant Emerald Riverview Development, LTD., by and through the undersigned counsel, file this stipulation of dismissal and agreement to disburse funds under Fed. R. Civ. P. 71.1 (i)(1)(B).

I. INTRODUCTION

1. Plaintiff is the United States of America (“Plaintiff”); named interested parties and purported property owners is Emerald Riverview Development, LTD. (“Defendant”).
2. On January 2, 2021, Plaintiff filed a Declaration of Taking (“Declaration”) and Complaint in Condemnation for a twelve (12) month temporary easement in the real property identified as Tract No. LRT-LRN-R1024E (hereinafter referred to as the “Property”). The temporary easement interest in the real property is more particularly described in Schedules “C”, “D”, and “E” of the Declaration (Dkt. No. 2).

3. On September 30, 2021, Plaintiff deposited \$100.00 into the Registry of the Court as estimated just compensation for the right of entry. (Dkt. No. 20). Pursuant to 40 U.S.C. § 3114 (b)(1), the filing and the deposit immediately vested title to the temporary easement interest in the United States.
4. As of the date of this filing, the Defendant voluntarily entered into a Right of Entry agreement, whose terms the parties had agreed upon.

II. DISMISSAL

5. The Plaintiff, the United States of America, through the United States Attorney for the Southern District of Texas, and the Defendant, through Attorney Kenneth A. Valls, pursuant to Fed. R. Civ. P. 71.1(i)(1)(B), jointly stipulate to the dismissal of this case, without prejudice, each party to bear their own cost.

III. DISBURSEMENT

6. Plaintiff respectfully moves this Court to disburse the funds deposited in the Registry of the Court. On September 30, 2021, Plaintiff deposited one hundred and 00/100 dollars (\$100.00) into the Registry of the Court (Dkt No. 20) as estimated just compensation for the for the taking of the Estate in Schedule “E” of the Declaration of Taking.
7. The Plaintiff and the Defendant respectfully move this Court to disburse the sum remaining in the Registry of the Court, one hundred and 00/100 dollars (\$100.00), plus any accrued interest thereon, payable to the order of “F&A Officer, USAED, Fort Worth.” The United States also respectfully request that the check reference “Tract No. LRT-LRN-R1024E.”

Respectfully submitted,

JENNIFER B. LOWERY

United States Attorney
Southern District of Texas

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CERTIFICATE OF SERVICE

I, Chanmealea Thou, Assistant United States Attorney for the Southern District of Texas, hereby certify that on February 8, 2022, I served the foregoing using the Court's ECF notification system on all parties receiving ECF notice in this case.

By: *S/ Chanmealea Thou*
CHANMEALEA THOU
Assistant United States Attorney